

# **EXHIBIT 1**

Summons	CIVIL DOCKET NO. 21VCV02109	<b>ORIGINAL</b> Trial Court of Massachusetts The Superior Court 
CASE NAME: <b>JAMES KELLY</b>		Michael Joseph Donovan Clerk of Courts Suffolk County
vs. <b>DAVID R. KELLY</b>		PARTY(S) Plaintiff(s) Defendant(s)
		COURT NAME & ADDRESS: SUPERIOR CIVIL COURT SUFFOLK COUNTY COURTHOUSE THREE PEMBERTON SQ. 12th Floor BOSTON, MASSACHUSETTS 02108

THIS SUMMONS IS DIRECTED TO David R. Kelly (Defendant's name)

You are being sued. The Plaintiff(s) named above has started a lawsuit against you. A copy of the Plaintiff's Complaint filed against you is attached to this summons and the original complaint has been filed in the Court.

**YOU MUST ACT PROMPTLY TO PROTECT YOUR RIGHTS.**

1. **You must respond to this lawsuit in writing within 20 days.**

If you do not respond, the court may decide the case against you and award the Plaintiff everything asked for in the complaint. You will also lose the opportunity to tell your side of the story. You must respond to this lawsuit in writing even if you expect to resolve this matter with the Plaintiff. If you need more time to respond, you may request an extension of time in writing from the Court.

2. **How to Respond.**

To respond to this lawsuit, you must file a written response with the court and mail a copy to the Plaintiff's Attorney (or the Plaintiff, if unrepresented). You can do this by:

a) Filing your signed original response with the Clerk's Office for Civil Business, SUPERIOR Court  
(address), by mail or in person AND

b) Delivering or mailing a copy of your response to the Plaintiff's Attorney/Plaintiff at the following address:

DAVID KELLY, LAW OFFICES OF CHRISTOPHER SULLIVAN, 44-46 TEMPLE PLACE, 4<sup>th</sup> FLOOR, BOSTON, MA 02111

3. **What to Include in Your Response.**

An "Answer" is one type of response to a Complaint. Your Answer must state whether you agree or disagree with the fact(s) alleged in each paragraph of the Complaint. Some defenses, called affirmative defenses, must be stated in your Answer or you may lose your right to use them in court. If you have any claims against the Plaintiff (referred to as counterclaims) that are based on the same facts or transaction described in the Complaint, then you must include those claims in your Answer. Otherwise, you may lose your right to sue the Plaintiff about anything related to this lawsuit. If you want to have your case heard by a jury, you must specifically request a jury trial in your court no more than 10 days after sending your Answer.

3 (cont). You can also respond to a Complaint by filing a "Motion to Dismiss," if you believe that the complaint is legally invalid or legally insufficient. A Motion to Dismiss must be based on one of the legal deficiencies or reasons listed under Mass. R. Civ. P. 12. If you are filing a Motion to Dismiss, you must also comply with the filing procedures for "Civil Motions" described in the rules of the Court in which the complaint was filed, available at:

[www.mass.gov/courts/case-legal-res/rules\\_of\\_court](http://www.mass.gov/courts/case-legal-res/rules_of_court)

**4. Legal Assistance.**

You may wish to get legal help from a lawyer. If you cannot get legal help, some basic information for people who represent themselves is available at [www.mass.gov/courts/selfhelp](http://www.mass.gov/courts/selfhelp).

**5. Required Information on All Filings:**

The "civil docket number" appearing at the top of this notice is the case number assigned to this case and must appear on the front of your Answer or Motion to Dismiss. You should refer to yourself as the "Defendant."

Witness Hon. Heidi E. Brieger , Chief Justice on 9-21, 2021 . (Seal)

Clerk-Magistrate Michael Joseph Donovan  
Michael Joseph Donovan

Note: The number assigned to the Complaint by the Clerk-Magistrate at the beginning of the lawsuit should be indicated on the summons before it is served on the Defendant.

**PROOF OF SERVICE OF PROCESS**

I hereby certify that on \_\_\_\_\_ I served a copy of this summons, together with a copy of the complaint in this action, on the defendant named in this summons, in the following manner (See Mass. R. Civ. P. 4(d)(1-5)):

Bristol County Sheriff's Office P.O. Box 8928 New Bedford, MA 02742-0928 (508) 992-6631  
Bristol, SS

October 4, 2021

I hereby certify and return that on 10/1/2021 at 12:51 PM I served a true and attested copy of the Summons and Complaint, Tracking Order, Civil Action Cover Sheet with Instructions in this action in the following manner: To wit, by leaving at the last and usual place of abode of Daniel R. Kelley, B2 Al Pace Drive North Attleboro, MA 02760 and by mailing first class mail to the above-mentioned address on 10/2/2021 and all the fees are listed individually and then totaled. Attest Fee (\$10.00) Basic Service Fee (\$20.00) Conveyance (\$4.50) Copies (\$4.00) Postage and Handling (\$3.25) Travel (\$16.00) Total: \$57.75

Deputy Sheriff Benton Keene, III

  
Benton Keene  
Deputy Sheriff

COMMONWEALTH OF MASSACHUSETTS

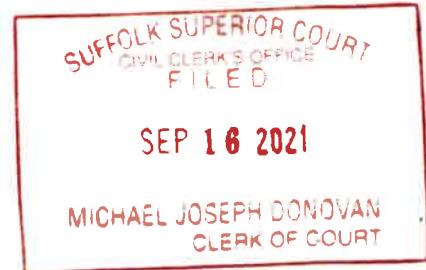
SUFFOLK, ss.

SUPERIOR COURT  
C.A. NO.:

JAMES KARAGIANNIS )  
PLAINTIFF )  
v. )  
 )  
DANIEL R. KELLEY) DEFENDANT)

COMPLAINT

PARTIES



1. Plaintiff, James Karagiannis, is an adult, residing at 30 Bow Avenue, Dedham, Massachusetts.
2. Defendant, Daniel R. Kelley, is an adult, residing at B2 Al Pace Drive, North Attleboro, Massachusetts.
3. At all relevant times, Defendant was operating the motor vehicle with the consent of the owner.

JURISDICTION AND VENUE

The Massachusetts Superior Court has jurisdiction over this matter, pursuant to M.G.L. c. 223A § 3. The amount in controversy exceeds fifty thousand dollars (\$50,000) exclusive of interest and costs. Venue in this forum is proper, pursuant to M.G.L. c. 223 § 1.

FACTS

Plaintiff realleges and reincorporates by reference, the allegations, as set forth in paragraphs 1-3 above

4. On or about March 9, 2020, Plaintiff was a pedestrian at the intersection of VFW Parkway and Spring Street in Boston, Massachusetts.
5. On the same date and time, Defendant, carelessly and negligently operated his motor vehicle, in such a manner, so as to strike Plaintiff.
6. As a result, Plaintiff sustained injuries of body, and mind (including but not limited to multiple fractures and a head injury), and incurred reasonable and necessary medical expenses of approximately \$400.000.

COUNT I – NEGLIGENCE

Plaintiff realleges and reincorporates by reference, the allegations, as set forth in paragraphs 1-6 above

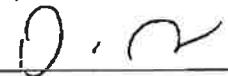
7. On or about March 9, 2020, Plaintiff was a pedestrian at the intersection of VFW Parkway and Spring Street in Boston, Massachusetts.
8. On the same date and time, Defendant, carelessly and negligently operated his motor vehicle,

in such a manner, so as to strike Plaintiff.

WHEREFORE, the Plaintiff demands judgment against the Defendant in an amount which the Court would deem fair and reasonable, plus interest, costs, and attorney's fees.

The Plaintiff demands a jury on all issues so triable.

The Plaintiff,  
By his Attorney:



David Green  
Law Office of Christopher Sullivan  
BBO # 642406  
44-46 Temple Place, 4<sup>th</sup> Floor  
Boston, MA 02111  
(617) 357-8600

<b>CIVIL ACTION COVER SHEET</b>		<b>DOCKET NUMBER</b>	<b>Trial Court of Massachusetts The Superior Court</b>
		<i>26.2019</i>	<b>COUNTY</b> Suffolk Superior Court (Boston)
<b>Plaintiff</b>	James Karagiannis	<b>Defendant:</b>	Daniel R. Kelley
ADDRESS	30 Bow Avenue	ADDRESS	b2AI Pace Drive
Dedham, MA		North Attleboro, MA	
<b>Plaintiff Attorney:</b>	David Green	<b>Defendant Attorney:</b>	
ADDRESS	Law Offices of Christopher Sullivan	ADDRESS	
44-46 Temple Place, 4th Floor			
Boston MA		BBO	
BBO	642406	<b>TYPE OF ACTION AND TRACK DESIGNATION</b> (see instructions section below)	
<b>CODE NO.</b>	<b>TYPE OF ACTION (specify)</b>	<b>TRACK</b>	<b>HAS A JURY CLAIM BEEN MADE?</b>
B03	Personal injury	F	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

\*If "Other" please describe:

Is there a claim under G.L. c. 93A?

YES  NO

Is there a class action under Mass. R. Civ. P. 23?

YES  NO

**STATEMENT OF DAMAGES PURSUANT TO G.L. c. 212, § 3A**

The following is a full, itemized and detailed statement of the facts on which the undersigned plaintiff or plaintiff's counsel relies to determine money damages. For this form, disregard double or treble damage claims; indicate single damages only.

**TORT CLAIMS**

A. Documented medical expenses to date

1. Total hospital expenses
2. Total doctor expenses
3. Total chiropractic expenses
4. Total physical therapy expenses
5. Total other expenses (describe below)

MISURANCE

\$ 437,406.05

\$ 900

\$ 3,134

\$ 2,337.38

Subtotal (1-5) \$ 443,741.43

B. Documented lost wages and compensation to date

C. Documented property damages to date

D. Reasonably anticipated future medical and hospital expenses

E. Reasonably anticipated lost wages

\$ 300.00

F. Other documented items of damages (describe below)

pain and suffering

TOTAL (A-F) \$ 743,741.43

G. Briefly describe plaintiff's injury, including the nature and extent of injury:

Plaintiff was struck by Defendant's motor vehicle

**CONTRACT CLAIMS**

This action includes a claim involving collection of a debt incurred pursuant to a revolving credit agreement. Mass. R. Civ. P. 8 1(a)

Item #	Detailed Description of Each Claim	Amount
1		
		Total

Signature of Attorney/Unrepresented Plaintiff: X *D. R.*

Date: *9-10-21*

RELATED ACTIONS: Please provide the case number, case name, and county of any related actions pending in the Superior Court.

**CERTIFICATION PURSUANT TO SJC RULE 1:18**

I hereby certify that I have complied with requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods of dispute resolution

Signature of Attorney/Unrepresented Plaintiff: X *D. R.*

Date: *9-10-21*